

\*\*E-filed 5/2/07\*\*

JACK B. MCCOWAN, JR. (SBN 062056)  
 JUAN D. WALKER (SBN 208008)  
 GORDON & REES LLP  
 Embarcadero Center West  
 275 Battery Street, Suite 2000  
 San Francisco, CA 94111  
 (415) 986-5900  
 (415) 986-8054

Attorneys for Defendant  
 SALESIANS OF DON BOSCO,  
 dba CAMP ST. FRANCIS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

ROBIN MOREL,	)	CASE NO. C07 01263 JF PVT
	)	
Plaintiff,	)	<b>STIPULATION &amp; [PROPOSED]</b>
	)	<b>ORDER SETTING ASIDE DEFAULT</b>
vs.	)	<b>OF DEFENDANT SALESIANS OF DON</b>
	)	<b>BOSCO, DBA CAMP ST. FRANCIS</b>
SALESIANS OF DON BOSCO, dba CAMP	)	<b>AND ALLOWING PARTY TO APPEAR</b>
ST. FRANCIS, DOES 1-50; inclusive,	)	
	)	
Defendants.	)	Complaint Filed: March 2, 2007

WHEREAS defendant SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS was served with the complaint in this matter on March 22, 2007; and,

WHEREAS as a result of miscommunications among representatives of defendant, the fact of service of the complaint was not communicated to defendant's counsel; and,

WHEREAS counsel for defendant mistakenly believed that service of the complaint had not occurred, and therefore failed to ensure defendant's timely response to the complaint; and,

WHEREAS the clerk of the court entered defendant's default on April 23, 2007; and,

WHEREAS defendant learned of the entry of default on April 25, 2007; and,

WHEREAS plaintiff has suffered no prejudice and defendant has moved quickly to set aside the default as soon as it was made aware of same; and,

WHEREAS defendant and plaintiff ROBIN MOREL believe that, based upon the above-stipulated facts, the default against defendant should be set aside based upon the mistake of a

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party pursuant to Federal Rules of Civil Procedure 55(c) and defendant be allowed to appear and defend itself in this action;

THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, through their attorneys, that the default of defendant SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS be set aside and that defendant SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS shall have twenty (20) days from the date of the order to set aside the default to respond to the complaint.

Plaintiff and defendant each shall bear their own fees and costs.

Dated: April 30, 2007

SHEUERMAN, MARTINI & TABARI

By: /s/\_\_\_\_\_  
ALAN L. MARTINI  
Attorneys for Plaintiff

Dated: April 30, 2007

GORDON & REES LLP

By:/s/\_\_\_\_\_  
JACK B. MCCOWAN, JR.  
Attorneys for Defendant  
SALESIANS OF DON BOSCO,  
dba CAMP ST. FRANCIS

### ORDER

Good cause appearing therefore based on the above stipulation of the parties, IT IS HEREBY ORDERED that the default of defendant SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS be and hereby is set aside and that defendant SALESIANS OF DON BOSCO, dba CAMP ST. FRANCIS has twenty (20) days from the date of this order to respond to the Complaint for Damages, Demand for Jury Trial.

Plaintiff and defendant shall bear their own fees and costs.

Dated: 5/2, 2007

  
United States District Court Judge  
Jeremy Fogel